

Although GCCISD would prefer multiple qualified responses to an RFP, it has little control over whether a vendor chooses to respond nor how well they answer the RFP requirements. The Board confirmed the selection of IBM as vendor for these services. GCCISD did thoroughly review the qualified response by IBM to ensure it met our RFP requirements, was technically sound, and cost effective.

It must be noted that GCCISD provided paper copies of all RFP responses to the SLD. Even a cursory examination of the responses by the SLD would have concluded that the Verizon response did not meet either GCCISD requirements nor, we believe, requirements of the E-rate program. That there was only one qualified respondent should not be held against an applicant during selective review.

GCCISD frankly objects to the manner in which this funding commitment was handled by the SLD. We frequently found the questions asked by the SLD to be ambiguous and unclear. Most frustrating of all is that there were no questions nor responses we could find in our files that would seem to address the reason for denial. We believe that if we could, albeit after the fact, note a void in the information requested, the SLD reviewers should have followed up with. Nor were there any questions that asked about evaluation criteria. It is inherently unfair to expect applicants to "read between the lines" to guess what the SLD is looking for because of poorly worded and ambiguous questions and then receive a funding denial as a result.

GCCISD believes that the SLD made an error of fact in denying the FRN listed above. We therefore request the SLD grant this appeal and provide an FCDL as expeditiously as possible.



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## GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

**FRANKIE JACKSON**  
DIRECTOR OF TMS

**Making the Technology Connection**

June 20, 2005

Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

Subject: Letter of Appeal, FY2004, Form 471# 415431, FRN# 1141706

The denial reason appealed in this matter is that Goose Creek Consolidated Independent School District (GCCISD) did not use price as the primary factor in selecting a service provider. GCCISD contends that the SLD made an error in fact in reaching this conclusion.

GCCISD released an RFP on 11/13/2003. The RFP covered a number of services sought by GCCISD, including the Voice over IP (VOIP) requested in the above FRN. The RFP listed eight evaluation criteria, although weighting of each criterion was not included in the RFP. (GCCISD provided a paper copy of the RFP during Selective Review.) GCCISD used a fully compliant evaluation criteria where price was 30% of the evaluation, two other criteria 15% each, and four criteria 10% each.

The reviewer asked about the process, which we provided in May 2004, but we were not asked about evaluation criteria nor the application of the criteria. It is clear in our review of the questions that the SLD never asked GCCISD to provide the rationale for vendor selection for this service. The question posed concerned the evaluation process not the criteria and rationale for selection. If we had been asked, GCCISD was fully prepared to provide this information. Apparently either our answers did not provide sufficient information or we misunderstood the nature of the questions, otherwise it would have been clear that GCCISD was compliant with E-rate rules.

Since a more detailed explanation of the evaluation was apparently required, we believe it appropriate to provide information about application of the evaluation criteria in this appeal to reduce follow-on questions.

In considering Option 4, there were three responses submitted, one each by Trillion, Verizon, and IBM. The Trillion response was considered not responsive because it was contingent on award of the WAN contract and did not contain specific pricing information.

The Verizon VOIP response did not provide any pricing information, other than stating equipment was a 36.5% discount from list (versus 44% for IBM); nor were implementation details and pricing included the Verizon response. In fact, the Verizon RFP response specifically states Verizon has the "capacity to design, engineer, and implement a Cisco based Voice Over IP solution once a final design or configuration on the infrastructure has been established." (The infrastructure design referred to in the previous sentence is the WAN infrastructure.) Also stated in the Verizon response is, "...it is Verizon's intention to wait until a design is in place. We would be more than happy to work with Goose Creel (sic) ISD to help assist in planning the LAN, WAN, and Telephony designs." Further, the Verizon response states, "Verizon can and will offer the district a network Assessment to evaluate current data issues, current voice issues and the overall network prior to designing a VOIP system..." In GCCISD opinion, providing such a free ineligible service as part of Verizon's RFP response would be itself a violation of E-rate program rules.

In order to ensure as fair an environment as possible, GCCISD invited both potential vendors to make a verbal presentation to the evaluation team. No additional information was provided in the oral presentations by Trillion or Verizon that would have brought them into compliance with all RFP requirements.

The Verizon response was deemed not to be a qualified response because of the lack of pricing information and failure to meet a large number of RFP response requirements. The final result was only IBM provided a response for Internal Connections (Option 1) that could be actually evaluated. The Verizon and IBM responses that showed discount from list were presented to the GCCISD School Board because it was the only comparison that could be made due to the lack of data from Verizon. (Verizon discount was 36.5% while the IBM discount was 44%, so clearly IBM was had the lowest equipment pricing.)

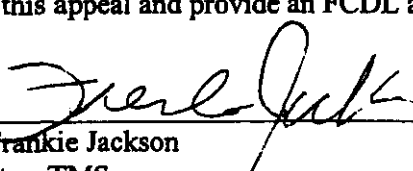
In summary, GCCISD had an E-rate compliant evaluation criteria where price was 30% of the evaluation and the other six factors were 15% or 10% each. Because there was only one qualified respondent to this option no detailed evaluation could be conducted, nor is such an evaluation required by E-rate rules if there is only one qualified vendor. GCCISD would have applied the criteria fairly had circumstances permitted.

Although GCCISD would prefer multiple qualified responses to an RFP, it has little control over whether a vendor chooses to respond nor how well they answer the RFP requirements. The Board confirmed the selection of IBM as vendor for these services. GCCISD did thoroughly review the qualified response by IBM to ensure it met our RFP requirements, was technically sound, and cost effective.

It must be noted that GCCISD provided paper copies of all RFP responses to the SLD. Even a cursory examination of the responses by the SLD would have concluded that the Trillion and Verizon responses did not meet either GCCISD requirements nor, we believe, requirements of the E-rate program. That there was only one qualified respondent should not be held against an applicant during selective review.


GCCISD frankly objects to the manner in which this funding commitment was handled by the SLD. We frequently found the questions asked by the SLD to be ambiguous and unclear. Most frustrating of all is that there were no questions nor responses we could find in our files that would seem to address the reason for denial. Nor were there any questions that asked about evaluation criteria. It is inherently unfair to expect applicants to "read between the lines" to guess what the SLD is looking for because of poorly worded and ambiguous questions and then receive a funding denial as a result.

GCCISD believes that the SLD made an error of fact in denying the FRN listed above. We therefore request the SLD grant this appeal and provide an FCDL as expeditiously as possible.



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## **GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

**FRANKIE JACKSON**  
**DIRECTOR OF TMS**

**Making the Technology Connection**

June 20, 2005

Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

Subject: Letter of Appeal, FY2004, Form 471# 414988, FRN 1140590 and Form 471# 415200, FRN# 1141146

The denial reason appealed in this matter is that Goose Creek Consolidated Independent School District (GCCISD) did not use price as the primary factor in selecting a service provider. GCCISD contends that the SLD made an error of fact in coming to this conclusion.

GCCISD released an RFP on 11/13/2003. The RFP covered a number of services sought by GCCISD, including the video requested in the above FRN. The RFP listed eight evaluation criteria, although weighting of each criterion was not included in the RFP. (GCCISD provided a paper copy of the RFP during Selective Review.) GCCISD used a fully compliant evaluation criteria where price was 30% of the evaluation, two other criteria 15% each, and four criteria 10% each.

The reviewer asked about the process, which we provided in May 2004, but we were not asked about evaluation criteria nor the application of the criteria. It is clear in our review of the questions that the SLD never asked GCCISD to provide the rationale for vendor selection for this service. The question posed concerned the evaluation process not the criteria and rationale for selection. If we had been asked, GCCISD was fully prepared to provide this information. Apparently either our answers did not provide sufficient information or we misunderstood the nature of the questions, otherwise it would have been clear that GCCISD was compliant with E-rate rules.

Since a more detailed explanation of the evaluation was apparently required, we believe it appropriate to provide information about application of the evaluation criteria in this appeal to reduce follow-on questions.

In considering Option, IBM was the sole respondent for Distance Learning. (Other respondents stated they could perform the task, but their ability to do so was dependent on their company being awarded the contract for the Wide Area Network and detailed pricing was not provided.)

In summary, GCCISD had an E-rate compliant evaluation criteria where price was 30% of the evaluation and the other six factors were 15% or 10% each. Because there was only one qualified respondent to this option no detailed evaluation could be conducted, nor is such an evaluation required by E-rate rules if there is only one qualified vendor. GCCISD would have applied the criteria fairly had circumstances permitted.

Although GCCISD would prefer multiple qualified responses to an RFP, it has little control over whether a vendor chooses to respond nor how well they answer the RFP requirements. The Board confirmed the selection of IBM as vendor for these services. GCCISD did thoroughly review the qualified response by IBM to ensure it met our RFP requirements, was technically sound, and cost effective.

It must be noted that GCCISD provided paper copies of all RFP responses to the SLD. Even a cursory examination of the responses by the SLD would have concluded that IBM was the only respondent to this option in the RFP. That there was only one respondent should not be held against an applicant during selective review.

GCCISD believes that the SLD made an error of fact in denying the FRN listed above. Request the SLD grant this appeal and provide an FCDL as expeditiously as possible.



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**June 23, 2005**

**Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981**

**Subject:**

**Billed Entity Number: 141322  
Goose Creek Cons Ind Sch Dist  
607 W. Baker  
Baytown, TX 77520**

**Letter of Appeal, FY2004  
Form 470 #804000000467863  
Form 471 #411530  
FRN# 1129147 and FRN# 1137326**

The denial reason appealed in this matter is that Goose Creek CISD (GCCISD) did not use price as the primary factor in selecting a service provider.

This notebook includes information to substantiate that the SLD made an error of fact in reaching this conclusion.



## **GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

**FRANKIE JACKSON**  
**DIRECTOR OF TMS**

**Making the Technology Connection**

**June 16, 2005**

**Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981**

**Subject: Letter of Appeal, FY2004, Form 471# 411530, FRN# 1129147 and FRN# 1137326**

The denial reason appealed in this matter is that Goose Creek CISD (GCCISD) did not use price as the primary factor in selecting a service provider. A copy of the funding commitment decision letter is provided in **attachment A**. GCCISD contends that the SLD made an error of fact in reaching this conclusion. This memo provides additional information that may have been overlooked during the analysis of our request.

GCCISD released a formal Request for Proposal (RFP) on 11/13/2003 and was opened on December 11, 2003. The RFP was number 121103-2 and was called the "Network Infrastructure Upgrade Solution." A copy of the RFP is provided in **attachment B**. The RFP covered several options sought by GCCISD, including: Option 2 - Internet Access (FRN# 1129147) and Option 3 - Telecommunications Service (FRN#1137326).

GCCISD received and responded to a variety of Selective Review questions from the SLD. Apparently either our answers did not provide sufficient information or we misunderstood the nature of the questions, otherwise it would have been perfectly clear that the above denial reason did not consider: a) our selection process for these two funding requests, b) the pricing structure, or 3) the extent to which the goods or services meet the district's needs. It is understandable because the proposals are complex and there were multiple options covered in the proposals. In an attempt to simplify this explanation, each vendor's response for options 2 and 3 are attached as follows:

- Attachment D - Time Warner Cable RFP Response (Options 2 and 3)
- Attachment E - Phonoscope RFP Response (Options 2 and 3)
- Attachment F - Verizon RFP Response (Options 2 and 3)
- Attachment G - IBM RFP Response (Options 2 and 3)
- Attachment H - Unite RFP Response (Options 2 and 3)
- Attachment I - ICTX RFP Response (Options 2 and 3)
- Attachment J - Trillion RFP Response (Options 2 and 3)

The vendors that responded provided different options and capabilities. It's difficult to compare costs when you examine the functionality associated with the price. For example, there is a difference in a fiber connection that is 3 meg vs. 5 meg. vs. 100 meg vs. GigE, as well as differences in a managed vs. unmanaged service, and the capability between fiber vs. wireless. The RFP listed eight evaluation criteria, as shown in attachment B on pages B-8 and B-9. It was very clear in our requirements that price was a major consideration, as well as the extent to which the goods or services met our needs. We also assessed long-term costs, manpower support, and future growth considerations. The following table is the RFP selection criteria for vendor responses: option 2 - Internet Access (FRN# 1129147) and option 3 - Telecommunications Service (FRN#1137326). **As shown, Time Warner scored 82 out of 100 points.**

RFP Number 121103-2 Network Infrastructure Upgrade Solution - Evaluation Criteria								
RFP Selection Criteria for Vendor Responses	Weight Used in RFP	Time Warner Cable	Phono Scope	Ver izon	IBM	Unite	ICTX	Trillion
Purchase Price	15	10	14	5	10	10	5	10
The total long-term cost to GCCISD to acquire the vendor's goods or services.	15	10	13	7	10	10	5	10
The extent to which the goods or services meet the district's needs.	15	15	5	7	2	7	7	2
Quality of the vendor's goods or services.	15	12	10	8	5	5	5	2
Reputation of the vendor and of the vendor's goods or services.	10	12	10	9	8	2	5	2
The vendor's past relationship with the district.	10	10	0	8	8	0	0	0
The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.	10	5	5	5	5	5	5	5
Any other relevant factor specifically listed in the request for bids or proposals.	10	8	2	3	2	2	2	2
<b>Total Score:</b>	<b>100</b>	<b>82</b>	<b>59</b>	<b>52</b>	<b>50</b>	<b>41</b>	<b>34</b>	<b>33</b>

In specifically evaluating **option 2 - Internet Access (FRN# 1129147)**, the following table shows the price for this service, considering the network speed. The only vendor that had a lower price than Time Warner Cable was Phonoscope. However, they were offering a 3 meg connection NOT a 5 meg connection. A 3 meg connection did not meet our needs. It is too small for a district our size. Further, Time Warner's response included a "scaleable" option to 10 meg, which allowed for network expansion, when and where needed. Ask any technology professional, this is a great solution and price.

Vendor	Cost	Speed	Price Considering Speed (per meg connection)	Primary Factor in Selection
Phonoscope	\$14,400	3 meg	\$4,800 per meg connection	
Time Warner	\$21,000	5 meg expandable to 10	\$4,200 per meg connection	<b>** Best Value</b>
Trillion	\$30,000	2 T-1 lines (3 meg)	\$10,000 per meg connection	
Unite	\$54,120	9 meg	\$6,013 per meg connection	
Verizon	\$74,796	5 meg	\$14,959 per meg connection	
IBM	None provided			
ICTX	None provided			

In specifically evaluating **option 3 - Telecommunications Service (FRN#1137326)**, the table on the next page shows how price was used as the primary factor in selecting a service provider, Time Warner Cable. The table shows, a) Price Sorted by Initial Cost (Equipment and Construction), b) Price Sorted by Monthly Recurring Cost, and c) Price Sorted by Total Cost Over 5 Years. The following factors were considered in selecting Time Warner Cable, which include **price as the primary factor**. A summary is as follows:

- Lowest price over a 5 year period.
- Lowest initial price (equipment and construction). GCCISD did not have the initial cost to start the project, while waiting on the SLD to decide if our project would be funded.
- Least impact on GCCISD's monthly operating budget, which was a manageable price. The cost for Time Warner was only \$5,102 more than the amount being paid for the pre-existing T-1 lines at \$7,148 (prior to the RFP).
- The shortest deployment time because the fiber is already in place in the GCCISD community. None of the other vendors had fiber in place, which would require an 18-month construction period, at minimum.
- A managed solution that is e-rateable
- An immediate solution to address our district's instructional network needs
- An all inclusive price with no maintenance charges.
- **Lowest lifecycle price, as well as the least number of years requiring commitment from GCCISD. We did not want to sign a 10-15 year contract, realizing that the technology changes in the area of wide area networking services and wireless capabilities. We felt Time Warner Cable offered the best price and met our needs.**



# Network Infrastructure Upgrade Solution (RFP 121103-2)

## Option 3 - Price Analysis

### Telecommunications Service (FRN#1137326)

#### Price Sorted by Initial Cost (Equipment and Construction)

Vendor	Band width	Connection Type	Contract Term	Solution	Initial Cost (Equip. / Const)	Monthly Recurring Cost	Annual Recurring Cost	Total Cost Over 5 Years
Verizon 2	1000	Fiber	10 years	Managed	\$0	\$31,029	\$372,349	\$1,861,744
Trillion	45	Wireless	10 years	Leased	\$0	\$27,795	\$333,540	\$1,667,700
Time Warner Cable	100	Fiber	3 years	Managed	\$110,000	\$12,250	\$147,000	\$845,000
Time Warner Cable	1000	Fiber	5 years	Managed	\$380,000	\$23,000	\$276,000	\$1,760,000
Time Warner Cable	1000	Fiber	5 years	Managed	\$380,000	\$19,500	\$234,000	\$1,550,000
Phonoscope 1	1000	Fiber	10 years	Managed	\$400,000	\$33,000	\$396,000	\$2,380,000
Phonoscope 2	1000	Fiber	10 years	Managed	\$450,000	\$34,500	\$414,000	\$2,520,000
Unite	1000	Fiber	10 years	Managed	\$500,000	\$23,069	\$276,828	\$1,884,140
Phonoscope 3	1000	Fiber	15 years	Leased	\$900,000	\$4,000	\$48,000	\$1,140,000
IBM	100	Wireless	10 years	Leased	\$1,680,725	\$0	\$0	\$1,680,725
Verizon 1	1000	Fiber	10 years	Leased	\$1,813,565	\$0	\$35,739	\$1,992,260
ICTX	1000	Fiber	10 years	Managed	\$1,935,702	\$3,613	\$43,356	\$2,152,482

#### Price Sorted by Monthly Recurring Cost

Vendor	Band width	Connection Type	Contract Term	Solution	Initial Cost (Equip. / Const)	Monthly Recurring Cost	Annual Recurring Cost	Total Cost Over 5 Years
IBM	100	Wireless	10 years	Leased	\$1,680,725	\$0	\$0	\$1,680,725
Verizon 1	1000	Fiber	10 years	Leased	\$1,813,565	\$0	\$35,739	\$1,992,260
ICTX	1000	Fiber	10 years	Managed	\$1,935,702	\$3,613	\$43,356	\$2,152,482
Phonoscope 3	1000	Fiber	15 years	Leased	\$900,000	\$4,000	\$48,000	\$1,140,000
Time Warner Cable	100	Fiber	3 years	Managed	\$110,000	\$12,250	\$147,000	\$845,000
Time Warner Cable	1000	Fiber	5 years	Managed	\$380,000	\$19,500	\$234,000	\$1,550,000
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#### Price Sorted by Total Cost Over 5 Years

Vendor	Band width	Connection Type	Contract Term	Solution	Initial Cost (Equip. / Const)	Monthly Recurring Cost	Annual Recurring Cost	Total Cost Over 5 Years
Time Warner Cable	100	Fiber	3 years	Managed	\$110,000	\$12,250	\$147,000	\$845,000
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Time Warner Cable	1000	Fiber	5 years	Managed	\$380,000	\$19,500	\$234,000	\$1,550,000
Trillion	45	Wireless	10 years	Leased	\$0	\$27,795	\$333,540	\$1,667,700
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Phonoscope 2	1000	Fiber	10 years	Managed	\$450,000	\$34,500	\$414,000	\$2,520,000



## **GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**

**FRANKIE JACKSON**  
DIRECTOR OF TMS  
Making the Technology Connection

**Attachment K** is a copy of the presentation given to the GCCISD Board of Trustees on January 2, 2004, where RFP #121103-2 Network Infrastructure Upgrade solution for options 2 and 3 were approved by GCCISD.

In summary, GCCISD believes that the SLD made an error of fact in denying the funding requests listed above.

**Attachment L** is a copy of documentation given to the SLD regarding this funding request. **GCCISD requests that the SLD grant this appeal and provide an FCDL as expeditiously as possible.**

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### Supporting Documentation in Notebook:

- Attachment A – USAC Funding Commitment Decision Letter for funding year 2004
- Attachment B – RFP 121103-2, Network Infrastructure Upgrade Solution
- Attachment C – RFP Award Letter for options 2 and 3 to Time Warner Cable
- Attachment D – Time Warner Cable RFP Response (Options 2 and 3)
- Attachment E – Phonoscope RFP Response (Options 2 and 3)
- Attachment F – Verizon RFP Response (Options 2 and 3)
- Attachment G – IBM RFP Response (Options 2 and 3)
- Attachment H – Unite RFP Response (Options 2 and 3)
- Attachment I – ICTX RFP Response (Options 2 and 3)
- Attachment J – Trillion RFP Response (Options 2 and 3)
- Attachment K – Board Presentation for RFP Approval
- Attachment L – Items Previously Sent to the SLD

**USAC**

Schools and Libraries Division  
Box 125 Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

**TIME SENSITIVE MATERIAL**

01209  
Frankie Jackson  
GOOSE CREEK CONS IND SCH DIST  
607 W. Baker  
Baytown, TX 77520

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# USAC

Universal Service Administrative Company  
Schools & Libraries Division

## FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 - 06/30/2005)

May 10, 2005

Frankie Jackson  
GOOSE CREEK CONS IND SCH DIST  
607 W. Baker  
Baytown, TX 77520

Re: Form 471 Application Number: 411530  
Funding Year 2004: 07/01/2004 - 06/30/2005  
Billed Entity Number: 141322  
Applicant's Form Identifier: GC-FJ-2&3 WAN

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$214,072.82 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

### NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

### FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

### TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked withing 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the

(A)

# FUNDING COMMITMENT REPORT

Form 471 Application Number: 411530  
Funding Request Number: 1129147 Funding Status: Not Funded  
Services Ordered: Internet Access  
SPIN: 143016451 Service Provider Name: Texas Cable Partners, L.P. dba :  
Contract Number: N/A

Billing Account Number: N/A  
Service Start Date: 07/01/2004  
Contract Expiration Date: 06/30/2007  
Annual Pre-discount Amount for Eligible Recurring Charges: \$20,380.80  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$2,500.00  
Pre-discount Amount: \$22,880.80  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - Bidding Violation  
Funding Commitment Decision Explanation: Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal.

Funding Request Number: 1137326 Funding Status: Not Funded  
Services Ordered: Telecommunications Service  
SPIN: 143016451 Service Provider Name: Texas Cable Partners, L.P. dba :  
Contract Number: MTM  
Billing Account Number: N/A  
Service Start Date: 07/01/2004

Contract Expiration Date: 06/30/2005  
Annual Pre-discount Amount for Eligible Recurring Charges: \$156,406.80  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$110,000.00  
Pre-discount Amount: \$266,406.80  
Discount Percentage Approved by the SLD: N/A  
Funding Commitment Decision: \$0.00 - Bidding Violation  
Funding Commitment Decision Explanation: Documentation provided demonstrates that price was not the primary factor in selecting this service provider's proposal.

(B-1)

**GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT  
DIRECTOR OF PURCHASING  
BAYTOWN, TEXAS 77521**

**NOTICE TO PROPOSERS**

**RFP number 121103-2**

Request For Proposal will be received by the Superintendent's Office of the Goose Creek Consolidated Independent School District until 2:00 pm, Thursday, December 11, 2003 for:

**NETWORK INFRASTRUCTURE UPGRADE SOLUTION**

1. RFP's will be opened at 2:00 pm, Thursday, December 11, 2003 in the Mockingbird Room of the Administration Building at 4544 I-10 East, Baytown, Texas 77521. Proposal representatives are invited to be present. Sealed proposals must be properly labeled on the OUTSIDE of the envelope as follows:

*Superintendent's Office  
c/o Lester Sloan, Director of Purchasing  
GOOSE CREEK CISD  
4544 I-10 East  
Baytown, Texas 77521*

*"Sealed proposals for Network Infrastructure Upgrade Solutions.  
Opens: Thursday, December 11, 2003 at 2:00 pm".*

2. Physical address of delivery of proposal is 4544 I-10 East, Baytown, Texas 77521.
3. Should you desire additional information pertaining to these specifications, please contact Lester Sloan, P. O. Box 30, Baytown, Texas 77522, Telephone 281/420-4579.
4. No proposal will be considered which is not submitted on the attached "Invitation to Propose" form signed by a proper official of the supplier and submitted in a sealed envelope. No telegraph, telephone, or faxed proposals will be accepted.

Publish: November 13, 2003  
November 20, 2003

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**GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT  
DIRECTOR OF PURCHASING  
BAYTOWN, TEXAS 77520  
281/420-4579**

**SUBMIT THE ORIGINAL AND ONE COPY  
OF PROPOSAL DOCUMENTS**

**THE FOLLOWING DOCUMENTS MUST BE SIGNED  
AND RETURNED WITH PROPOSAL**

1. Invitation To Bid
2. Felony Conviction Notice
3. Non-Collusion Affidavit
4. Bidder's Certification

If any of these forms are missing from the original proposal packet received by you, please call the GCCISD Purchasing Office so that replacement pages may be forwarded to you immediately.

281/420-4579

**SUBMIT THE ORIGINAL AND ONE  
COPY OF ALL PROPOSAL DOCUMENTS**

⑤-3

**INVITATION TO PROPOSE**

**GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**  
**P. O. BOX 30**  
**BAYTOWN, TEXAS 77522**

**RFP #121103-2**

**Bid Opening Date, 2:00 P.M., Thursday, December 11, 2003**

**I have read the terms and conditions, detailed instructions, attached specifications and have complied and agree to all the requests therein.**

**Date**

**Signature (Failure to manually sign will disqualify bid or proposal).**

**Number of days to deliver**

**Shipment Destination:**  
**District Locations**

**Company**

**Address**

**City**

**State**

**Zip Code**

**Telephone**

**Area Code**

**DESCRIPTION**

**NETWORK INFRASTRUCTURE UPGRADE SOLUTION**

**Pricing**

**Option 1 .....\$**  
**Option 2.....\$**  
**Option 3.....\$**  
**Option 4.....\$**  
**Option 5.....\$**

**Total if awarded all options.....\$**

**"By the signature hereon affixed, the bidder hereby certifies that neither the bidder nor the firm, corporation, partnership, or institution represented by the bidder, or anyone acting for such firm, corporation, or institution has violated the antitrust laws of this State, codified in Section 15.01, et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business."**

**Cash Discount \_\_\_\_\_ % \_\_\_\_\_ Days**



## FELONY CONVICTION NOTICE

Statutory citation notification of criminal history contractor is found in the Texas Educational Code 44.034. Following is an example of a felony conviction notice:

### **FELONY CONVICTION NOTIFICATION**

State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony:"

Subsection (b) states " a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."

**THIS NOTICE IS NOT REQUIRED OF A  
PUBLICLY-HELD CORPORATION**

I, the undersigned agent of the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

VENDOR'S NAME \_\_\_\_\_

AUTHORIZED COMPANY OFFICIAL'S NAME (Printed) \_\_\_\_\_

A. My firm is a publicly-held corporation, therefore, this reporting requirement is not applicable.

Signature of Company Official \_\_\_\_\_

B. My firm is not owned nor operated by anyone who has been convicted of a felony:

Signature of Company Official \_\_\_\_\_

C. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s) \_\_\_\_\_

Details of Conviction(s) \_\_\_\_\_

Signature of Company official \_\_\_\_\_

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**GOOSE CREEK CONSOLIDATED INDEPENDENT SCHOOL DISTRICT**  
**P O BOX 30**  
**BAYTOWN, TEXAS**

**NON-COLLUSION AFFIDAVIT**

**STATE OF** \_\_\_\_\_ §

**COUNTY OF** \_\_\_\_\_ §

\_\_\_\_\_, of lawful age, being first  
duly sworn on oath says that (s)he is the agent authorized by the proposal to submit the attached  
proposal. Affiant further states that the proposal has not been a party to any collusion among  
proposal/proposers in restraint of freedom of competition by agreement to proposal at a fixed  
price or to refrain from proposing; or with any District employee, Board Trustee, or benefit  
consultant as to quantity, quality, or price in the prospective contract, or any other terms of said  
prospective contract; or in any discussions or actions between proposal/proposers and any  
District employee, Board Trustee, or benefit consultant concerning exchange of money or other  
things of value special consideration in the lettering of this contract.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title of Above Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public

State of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

GOOSE CREEK CISD  
**BIDDER'S CERTIFICATION**

(B-1)

The 1985 Texas Legislature passed HB 620 relating to bids by nonresident contractors. The pertinent portion of the Act has been extracted and is as follows:

**Section 1. (a)**

(2) "Nonresident Bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(3) "Texas Resident Bidder" means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

**Section 1. (b)**

The state or a governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials, or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that \_\_\_\_\_ is a  
(Company Name)

Resident Bidder of Texas as defined in HB 620.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

\*\*\*\*\*

I certify that \_\_\_\_\_ is a  
(Company Name)

Nonresident Bidder as defined in HB 620 and our principal place of business is:

\_\_\_\_\_  
(City and State)

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

(B-1)

**Goose Creek Consolidated Independent School District (GCCISD)  
Request for Proposal (RFP) #121103-2  
Network Infrastructure Upgrade Solution**

**Instructions to Vendor**

1. ~~Vendors are expected to complete a total cost proposal that meets or exceeds the~~  
requirements described therein. The total cost proposal is expected to break out all costs including initial purchase, monthly costs (if applicable), and annual maintenance costs at least, which includes at least 5 years. If you are unable to comply with a specific item in the RFP, you are to prepare a separate listing of exceptions.
2. The prices and conditions negotiated for the proposal of this RFP must be firm for a period of 120 days.
3. Any questions that arise must be submitted in writing to one of the points of contact. We will answer questions, in writing, within 5 days.
4. GCCISD reserve the right to request additional or clarifying information after your proposals have been opened.
5. In addition, GCCISD reserves the right to accept or reject any or all proposals.
4. The terms and conditions of this RFP are to be used as a basis for a contemplated GCCISD purchase order that will constitute the formal contract to accomplish the work. Any modifications (change orders) to the purchase order will require the prior negotiation and approval of GCCISD. GCCISD is not required to pay for modifications undertaken without such approval and may require them to be removed by the vendor at no cost to GCCISD.
5. The successful vendor for the proposal shall provide and install all equipment, materials, and/or service enumerated unless GCCISD directs otherwise for a particular item.
6. GCCISD reserves the right to waive any procedural requirements set forth herein for any and all vendors.
7. It is expected that the network infrastructure upgrade solution proposed will ensure that any investment made in the network today will support increased technology and productivity needs at a minimum, for the next 5 years.

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**Goose Creek Consolidated Independent School District  
Request for Proposal (RFP) #121103-2  
Network Infrastructure Upgrade Solution**

**General Specifications Requirements**

1. In the performance of this work, the successful vendor will comply in every way with the requirements of local laws and ordinances, the laws of the State of Texas, the National Board of Fire Underwriters, and the National Electrical Code.
2. Vendors must supply at least 5 references that are comparable to this RFP, such as designing and implementing network solutions that include ten or more remote sites. Specifications must include relevant experience, past performance, customer contact person, and a phone number so that references can be verified.
3. Vendors should have experience in the hardware, software, network operations systems, and network infrastructure components described herein. Experience in the working with public education (school districts) is desired.
4. Proposed integrated infrastructure with sufficient capability to handle needs for the foreseeable future (5 years +). These needs must include cost containment and low maintenance for hardware, software, and manpower.
5. Proposed design and bandwidth that will be needed to support the educational needs of students in the foreseeable future (5 years +). These needs must take into consideration the State approved Texas Essential Knowledge and Skill (TEKS).
6. The proposed technology infrastructure must be fault tolerant resulting 99% reliability (uptime).
7. Vendors must consider long-term costs in the proposed solution such as licensing, annual support, manpower support, and future growth considerations.
8. Vendors must present a solution for which the overall monitoring of the Wide Area Network is possible from a single location (single-point-of-administration).
9. Vendors must present a project plan with detailed activities of the work to be performed including scheduled start/stop dates and manpower estimates.
10. Vendors should provide a list of quantifiable reasons for selecting their proposal solution.
11. Vendors should recommend training strategies and related costs for technical staff.

**Goose Creek Consolidated Independent School District (GCCISD)  
Request for Proposal (RFP) #121103-2  
Network Infrastructure Upgrade Solution**

**General Requirements**

**Scope**

This Request for Proposal (RFP) involves the analysis, design, and solution of the Goose Creek Consolidated Independent School District (GCCISD) Wide Area Network (WAN). Specifically, the RFP asks for network infrastructure upgrade solution that includes a long-term strategy for determining the infrastructure for the instructional and administrative needs of the district.

It is expected that the network infrastructure upgrade solution proposed will ensure that any investment made in the network today will support increased technology and productivity needs at a minimum, for the next 5 years.

**Requirements**

In the performance of this work, the vendor will comply in every way with the requirements of local laws and ordinances, the laws of the State of Texas, the National Board of Fire Underwriters, and the National Electrical Code.

Vendors must supply at least 5 references that are comparable to this RFP, such as designing and implementing network solutions that include ten or more remote sites. Specifications must include relevant experience, past performance, customer contact person, and a phone number so that references can be verified.

Vendors should have experience in the hardware, software, network operating systems, and network infrastructure components described therein. Experience in working with public education (school districts) is desired.

**Award Criteria**

This proposal shall be awarded based on but not limited to the following criteria:

- |   |    |
|---|----|
| 1. Purchase Price   | 15 |
| 2. Reputation of the vendor and of the vendor's goods or services.  | 10 |
| 3. Quality of the vendor's goods or services.   | 15 |
| 4. The extent to which the goods or services meet the district's needs.   | 15 |
| 5. The vendor's past relationship with the district.  | 10 |
| 6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses. | 10 |
| 7. The total long-term cost to GCCISD to acquire the vendor's goods or services.  | 15 |
| 8. Any other relevant factor specifically listed in the request for bids or proposals.  | 10 |

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**Goose Creek Consolidated Independent School District (GCCISD)  
Request for Proposal (RFP) #121103-2  
Network Infrastructure Upgrade Solutions**

**General Requirements**

**Opening of Proposals:** All proposals shall be opened as soon after the opening deadline as is reasonably practicable. Trade secrets and confidential information contained in proposals shall not be open for public inspection.

**Evaluation of Proposals:** GCCISD will award contracts based upon the lowest responsible proposal price and the award criteria listed earlier. Contracts may be awarded on a lump sum basis or on a unit price basis provided that in the event a contract specifies a unit price basis, the compensation paid by GCCISD shall be based upon the actual quantities supplied. In determining the "lowest responsible" proposal, GCCISD may consider, in addition to price, other factors such as compliance with the proposal documents, delivery requirements, suitability of product, costs of maintenance and operations, training requirements, warranties, availability of repairs or upgrades, or other services, past performance of the bidder, other factors contributing to the overall costs, both direct and indirect, related to an item and in compliance with GCCISD's policies and goals.

**NOTES**

**Reservation of Rights:** GCCISD expressly reserves the right to:

1. Reject or cancel any or all proposals.
2. Waive any defect, irregularity or informality in any proposal or bidding procedure.
3. Waive as an informality, minor deviations from specifications at lower price than other proposals meeting all aspects of the specifications if it is determined that total cost is lower and the overall function is improved or not impaired.
4. Extend the proposal opening time and date.
5. Reissue a proposal invitation.
6. Consider and accept an alternate proposal as provided herein when most advantageous to GCCISD.
7. GCCISD has the right to cancel the contract without cause or reason with thirty (30) day written notice.
8. Procure any item or services by other means.

**Inclusions:** The Invitation to Bid, Bidder's Certificate, Standard Terms and Conditions, and General Bidding Instructions shall be included, verbatim, as part and body of these specifications.

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**Terms:** Goose Creek CISD is interested in obtaining pricing for a one (1) year service agreement. The district reserves the right to renew this contract or three (3) additional one-year terms if service, pricing, terms and conditions are consistent with the market. Price increases shall not exceed the regional CPI (Consumer Price Index).

**Disclosures:** By signing this proposal, a bidder affirms that he/she has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with the proposal submitted. **BIDDER SHALL NOTE** any and all relationships that might be a conflict of interest and shall include such information with the proposal. By signing this proposal, a bidder affirms that, to the best of his/her knowledge, the proposal has been arrived at independently and is submitted without collusion to obtain information or gain any favoritism that would in any way limit competition or give them an unfair advantage over other bidders in the award of this proposal.

**Funding Out Clause:** Any/all contracts exceeding one (1) year will require a standard "funding out" clause. A contract for the acquisition, including lease of real or personal property, is a commitment of GCCISD's current revenue only provided the contract contains either or both of the following provisions:

1. Retains to the district the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the district to obtain and appropriate funds for payment of the contract.

**All Contracts and Agreements** between merchants and GCCISD shall strictly adhere to the statutes as set forth in the Uniform Commercial Code as last amended in 1995 by the American Law Institute in the National Conference of Commissioners on Uniform State Laws. **Reference:** Uniform Commercial Code, Fourteenth Edition, 1995 Official Text.

**Contracts for Purchase** will be put into effect by means of purchase order(s) executed by the Director of Purchasing after proposal has been awarded. Any additional agreements/contracts to be signed by GCCISD shall be included with the proposal. Prices for all goods and/or services shall be included with the proposal. Prices for all goods and/or services shall be negotiated to a firm amount for the duration of this contract or as agreed to in terms of time frame.

**Taxes:** GCCISD is exempt from payment of taxes under Chapter 20, Title 122A, Revised Civil Statutes of Texas, for the purchase of tangible personal property.

**Assignment and Subcontracting:** No part of this order may be assigned or subcontracted without the prior written approval of GCCISD's Director of Purchasing or Director of TMS Department.



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**Invoice:** Purchase order number shall appear on all invoices and invoices sent to:

GOOSE CREEK CISD

Accounts Payable

P. O. Box 30

Baytown, Texas 77522

**Payment:** GCCISD shall pay, within thirty (30) days of receipt and acceptance of units and receipt of an accurate invoice, whichever is later. Acceptance shall constitute all items or services being received and in good working order to the satisfaction of GCCISD.

**Bid Firm:** Proposal offered shall be firm for ninety (90) calendar days from the bid opening date.

**Applicability:** These conditions are applicable and form a part of the contract documents in each equipment and/or service contract and a part of the terms of each purchase order for items of equipment and/or service included in the specifications and bid forms issued herewith.

**Withdrawal of bids** will not be allowed for a period of ninety (90) days following the bid opening.

**Specifications** may be those developed by the using department or by the manufacturer to represent items of regularly manufactured products.

**District Specifications** have been developed by the using department to show minimal standards as to the usage, materials, and contents based on their needs.

**Questions** concerning these proposal specifications shall be addressed to Goose Creek Consolidated Independent School District, Director of Purchasing, Lester Sloan, (281)420-4579.

**Questions** concerning Instructions to Vendors and General Specifications Requirements shall be addressed to Goose Creek Consolidated Independent School District, Director of TMS Dept., Frankie Jackson, (281)420-4934.

**Sealed Proposals Only Are Acceptable:** Faxed bids/proposals will not be accepted by GCCISD since the fax process does not provide for the delivery of a sealed bid/proposal.

**Addendum's or Amendments** to this proposal will be issued by the Director of Purchasing in writing to those companies known to have received this proposal.